

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant:	Paul St. John <b>BRITTAN</b> <i>et al.</i>	)	Examiner:	James S. <b>WOZNAK</b>
		)		
Serial No.:	<b>10/607,577</b>	)	Art Unit:	2626
		)		
Filed:	June 25, 2003	)	Our Ref:	200206482-2US
		)		B-5134 621037-8
For:	"DYNAMIC CONTROL OF RESOURCE USAGE IN A MULTIMODAL SYSTEM"	)	Date:	August 12, 2008
		)	Re:	<i>Appeal to the Board of Appeals</i>

**REPLY BRIEF**

Commissioner for Patents

Sir:

This Brief is a timely reply to the Examiner's Answer mailed on June 12, 2008.

The Examiner and Appellants disagree whether claims 1, 3, 9, 10, 12, and 18-20 are obvious under U.S. Pat. No. 6,964,023 to Maes in view of Suhm *et al.*, "Multimodal Error Correction for Speech User Interfaces, 2001," and whether claims 2, 4-8, 11 and 13-17 are obvious under the Maes and Suhm combination and further in view of PCT Pub. No. 2001/35575 A2 to Bridger *et al.* This Brief replies to the Examiner's answers to Appellants' arguments against the Maes and Suhm references and the Examiner's interpretation thereof.

**REMARKS**

The comments in Appellants' Brief on Appeal dated March 20, 2008 are incorporated herein by reference.

**ARGUMENTS**

*The Examiner mischaracterizes Appellants' arguments*

In Section 10 of the Answer the Examiner states “[w]ith respect to independent claims 1 and 10, the appellants traverse the art rejection ... for two reasons. The first alleged reason is that Maes et al (U.S. Patent 6,964,023) does not disclose a “bandwidth” moderator because Maes only refers to “bandwidth” in the context of ‘describing an acoustic front end’ ...” “The second alleged reason is that Suhm et al ... actually teaches away from the claimed invention because it questions the use of confidence scores for error correction.”

While the Examiner is correct that Appellants argue that Maes does not disclose a bandwidth moderator and that Suhm teaches against the use of confidence scores, the Examiner’s bold assertion ignores other arguments presented in the Appeal Brief. That is, 1) neither Maes, Suhm nor Bridger disclose a bandwidth moderator, 2) neither Maes, Suhm nor Bridger disclose “receiving inputs regarding input mode usage by a user of the data processing device, modal requirements of a dialogue manager and an application or service, and/or confidence in a recognition process for each modality” (as recited in claim 1), and 3) neither Maes, Suhm nor Bridger disclose “a moderator for dynamically adjusting a relative average actual or allocated usage of the resource by the data-processing entities” (as recited in claim 10).

***The Examiners’ interpretation of Maes is incorrect.***

In their Brief, Appellants explain that contrary to the Examiner’s assertion, Maes does not in fact teach that recited in independent claims 1 and 10. Presently the Examiner alleges to answer in Section 10 of the Arguments (pages 7-11) by devoting almost three full pages of argument regarding the use of the word “bandwidth” in the claims, but only offering a single paragraph regarding the teachings of Maes. While the Examiner’s analysis of the language of the claims is indeed thorough, this adds no support whatsoever to misplaced reliance upon Maes.

Regarding Maes, the Examiner once again points to column 37, lines 4-16, of Maes in support of the rejection. This text is now reproduced:

The conversational resource manager 820 determines what conversational engines 808 are registered (either local conversational 808 and/or network-distributed resources), the capabilities of each registered resource, and the state of each

registered resource. In addition, the conversational resource manager 820 prioritizes the allocation of CPU cycles or input/output priorities to maintain a flowing dialog with the active application [emphasis added] (e.g., the engines engaged for recognizing or processing a current input or output have priorities). Similarly, for distributed applications, it routes and selects the engine and network path to be used to minimize any network delay for the active foreground process.

At most, then, Maes discloses a conversational resource manager 820 that only considers a single factor when granting priority at the CPU or when routing network traffic: which application or foreground process is active. As disclosed, the conversational resource manager 820 always gives the active application priority to CPU cycles or CPU input/output, and always selects a route for the active foreground process to minimize any network delay. For the sake of brevity, the other portions of Maes that the Examiner has pointed to throughout the prosecution of this case in support of the rejection will not be reproduced here. However, Appellants have thoroughly reviewed these portions, as well as all of Maes, and can confidently state that Maes does not teach or suggest that recited in the instant claims.

To be clear, Maes does not teach or suggest, and the Examiner has not shown otherwise, the following explicitly recited features of claim 1:

“receiving inputs regarding: input mode usage by a user of the data processing device, modal requirements of a dialogue manager and an application or service, and/or confidence in a recognition process for each modality at a bandwidth moderator;

determining a target relative usage of a data-processing resource;

wherein a relative average actual or allocated usage of the resource by the data-processing entities is dynamically allocated by said bandwidth moderator according to one or more of the following:

actual usage of the different input modalities by the user of the device;

confidence in the results of processing carried out in respect of each of the input modalities;

pragmatic information on input modality usage; and

processing at least one of the input modalities using the resource as dynamically allocated by said bandwidth moderator.”

Also to be clear, Maes does not teach or suggest, and the Examiner has not shown otherwise, the following explicitly recited features of claim 10:

“a moderator for dynamically adjusting a relative average actual or allocated usage of the resource by the data-processing entities in dependence on one or more of the following:

actual usage of the different input modalities by a user;  
confidence in the results of processing carried out in respect of each of the input modalities;  
pragmatic information on input modality usage.”

***The Examiners' interpretation of Suhm is incorrect.***

The Examiner goes to great lengths to establish that his reliance on Suhm is not misplaced. However, the one fact that remains in spite of the detailed discussion of Suhm found in the Answer is that Suhm does indeed teach against the use of confidence scores. To let Suhm speak for himself “confidence scores themselves are not reliable” (last paragraph beginning on page 74 of Suhm). Thus, Suhm does not cure the Examiner-acknowledged defect of Maes: the failure to teach or suggest the use of confidence scores.

\* \* \*

**CONCLUSION**

For the many reasons advanced above, Appellants respectfully contend that each pending claim is patentable and reversal of all rejections and allowance of the case is respectfully solicited.

I hereby certify that this document is being transmitted to the  
Patent and Trademark Office via electronic filing.

**August 12, 2008**  
(Date of Transmission)

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